

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BISHOP PERRY,

Plaintiff,

vs.

Case No. 18-CV-12914
HON. GEORGE CARAM STEEH

BRIAN ROUSSEAU, et al.,

Defendants.

_____ /

ORDER DENYING PLAINTIFF'S APPEAL OF MAGISTRATE JUDGE'S
ORDER DENYING APPOINTMENT OF COUNSEL [ECF NO. 28]

Plaintiff Bishop Perry, proceeding *pro se*, appeals the Magistrate Judge's order denying his motion for appointment of counsel (ECF No. 26). "Appointment of counsel is appropriate in 'exceptional circumstances,' a determination which involves consideration of the 'complexity of the factual and legal issues involved' and an examination of 'the type of case and the abilities of the plaintiff to represent himself.'" *Lince v. Youngert*, 136 F. App'x 779, 782 (6th Cir. 2005) (citing *Lavado v. Keohane*, 992 F.2d 601, 606 (6th Cir. 1993)). Magistrate Judge Majzoub considered plaintiff's request for appointment of counsel and found that it was not warranted at this stage of the litigation.

On appeal, plaintiff states that he has been having problems accessing the law library due to retaliation by the librarian. He also argues

that he is having difficulty obtaining video and e-mail evidence relevant to his case. These are not arguments plaintiff made before the magistrate judge in requesting appointment of counsel.

The court has reviewed the procedural posture of the case as well as the new arguments made by plaintiff. The court notes that plaintiff has adequately alleged the claims forming the basis of his § 1983 lawsuit. In addition, plaintiff has filed motions to compel the production of discovery and to preserve evidence, further demonstrating his basic understanding of the legal process. The court agrees with the magistrate judge that it is premature to appoint counsel to represent plaintiff. Now, therefore,

IT IS HEREBY ORDERED that plaintiff's appeal of the order denying plaintiff's motion for appointment of counsel is DENIED.

So ordered.

Dated: April 4, 2019

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 4, 2019, by electronic and/or ordinary mail and also on Bishop Perry #231579, Muskegon Correctional Facility, 2400 S. Sheridan, Muskegon, MI 49442.

s/Barbara Radke
Deputy Clerk